

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KEVIN THERIOT,

Plaintiff,

v. CASE NO. 5:12-CV-11629
HONORABLE JOHN CORBETT O'MEARA

DURANO, et al.,

Defendants.

ORDER DENYING MOTION FOR RELIEF FROM JUDGMENT

Michigan prisoner Kevin Theriot (“Plaintiff”) filed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983, which the Court dismissed for failure to state a claim upon which relief may be granted on June 5, 2012. The Court has since denied several of Plaintiff’s post-judgment motions, including his prior motion for relief from judgment brought pursuant to Federal Rule of Civil Procedure 60(b), which was denied on July 26, 2012. In his current motion, Plaintiff alleges that relief is warranted because state court judge Brian R. Sullivan acted without jurisdiction in 2002. This is the same claim that was raised in his prior motion for relief from judgment. Consequently, the Court finds that the instant motion is duplicative of the prior motion, lacks merit for the same reasons, and/or is now moot.

Moreover, to the extent that Plaintiff seeks reconsideration of the Court’s prior order denying relief from judgment, he is not entitled to relief. He has not met his burden of showing a palpable defect by which the Court has been misled or his burden of showing that a different disposition must result from a correction thereof as required by Local Rule 7.1(h)(3).

Accordingly, for the reasons stated, the Court **DENIES** Plaintiff's motion for relief from judgment [Dkt. #31]. This case is closed. No further pleadings should be filed in this matter.

IT IS SO ORDERED.

s/John Corbett O'Meara
United States District Judge

Date: August 10, 2012

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, August 10, 2012, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager